



**EB-2006-0232**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O.1998, c.15 (Schedule B);

**AND IN THE MATTER OF** an application by the Electricity  
Distributors Association pursuant to section 74 of the *Ontario  
Energy Board Act, 1998* for an Order or Orders amending  
the electricity distribution licenses of all licensed electricity  
distributors in Ontario.

## **PROCEDURAL ORDER NO. 2**

On September 20, 2006, the Electricity Distributors Association (the “EDA”) filed with the Ontario Energy Board (the “Board”) an application under section 74 of the *Ontario Energy Board Act, 1998* (the “Act”) seeking an order or orders amending the electricity distribution licences of all licensed electricity distributors in Ontario by amending the Board’s *Affiliate Relationships Code for Electricity Distributors and Transmitters* (the “Code”). The application also requests interim relief regarding the continuation of compliance activities pending determination of the application by the Board. The Board has assigned the application Board file number EB-2006-0232.

The Board issued a Notice of Application and Hearing on March 6, 2007. The Applicant published and served the Notice as directed.

Several parties filed with the Board requests for intervenor status. With one exception, the Board has granted intervenor status to all those that requested it.

The Board issued Procedural Order No. 1 on April 12, 2007, which identified a threshold question to be addressed in this proceeding; namely, whether amendments to a Code can be made by the Board pursuant to an application to amend a licence under section 74 of the Act, or whether amendments to a Code are to be made pursuant to the notice and comment process set out in sections 70.1 to 70.3 of the Act. The Board determined to proceed with this threshold question as a preliminary matter before proceeding further with the application, and Procedural Order No. 1 made provision for certain procedural matters in support of a hearing of the issue before the Board.

The Board has, by letter dated April 19, 2007, given notice of its intention to state a case to the Divisional Court, pursuant to section 32 of the *Ontario Energy Board Act, 1998*, to determine this threshold issue.

This Panel is therefore of the view that this hearing should be adjourned, *sine die*, pursuant to Rule 26.01 of the Board's *Rules of Practice and Procedure*. Further procedural orders in this matter may be issued upon determination of the stated case by the Divisional Court.

The Board therefore considers it necessary to make provision for the following procedural matters.

**THE BOARD ORDERS THAT:**

1. This hearing is adjourned, *sine die*.

**DATED** at Toronto, April 19, 2007

ONTARIO ENERGY BOARD

*Original signed by*

Peter H. O'Dell  
Assistant Board Secretary